

**HAMPTON BEACH VILLAGE PRECINCT
SPECIAL MEETING
JUNE 2, 2010**

Richard Reniere, Moderator, called the meeting to order at 7:03 p.m.

Mr. Reniere led the Pledge of Allegiance.

Mr. Reniere introduced those at the head table:

Gary Kubik, Precinct Commissioner
Chuck Rage, Precinct Commissioner
June White, Precinct Commissioner
John Gebhart, Treasurer
Sharon Somers, Precinct Counsel
Joan Rice, Secretary

Mr. Reniere said the purpose of this meeting was to vote on whether the parking lot off Brown Avenue would be deeded to the Town for the construction of a new fire station and to vote on giving the Town a new 50 year lease in the event the Town does not vote to build a new fire station at the Precinct and would rather renovate the existing Beach Station.

Moved by Commissioner Kubik, seconded by Kevin Sullivan to restrict participation in this meeting only to beach voters, business owners, property owners and Town staff that might make informational comments.

Rick Griffin, Selectman, said he felt the Chairman of the Board of Selectmen, Jerry Znoj, Selectman Representative to the Precinct, and John Nyhan, Chairman of the Hampton Area Beach Commission, should also be allowed to speak.

Dennis Wagner, resident, said it is important to hear as much information as possible before making a decision.

Michael Scanlan, resident, said the Selectmen should be available to answer questions.

Amendment made by Commissioner Kubik, seconded by Rick Griffin, to allow the Selectmen and the Chairman of the Hampton Beach Area Commission to speak.

Fred Rice said there should never be a check put on the right of free speech. Everyone that wants to speak should be allowed to do so.

Mary-Louise Woolsey, Hampton Budget Committee, said we are all one town and she is very much in support of a new fire station at the beach.

John Christiansen, resident, said he opposed this amendment because he had already heard the opinions of the Selectmen.

Wayne Douglas, resident, said he did not care to listen to the Selectmen and was for upgrading the existing fire station.

Vote: Amendment passed by majority vote.

Mr. Reniere then asked for a vote on the main motion as amended.

Vote: Main motion as amended passed by majority vote.

Moved by Commissioner White, seconded by Commissioner Rage, that all first time speakers be limited to three minutes. Second time speakers' time will be determined by the Moderator.

Vote: Motion passed by majority vote.

Article I

Mr. Reniere then read Article I as follows:

To see if the District will vote to convey to the Town Lot 31 and a portion of Lot 29, both of which are owned by the District, and to accept from the Town the conveyance of Lot 28, such lot being owned by the Town, these conveyances are to be made under such terms and conditions as the Hampton Beach Village District Commissioners determine to be in the best interest of the District, including but not limited to the requirement that the conveyance of Lot 31 and a portion of Lot 29 be conveyed subject to a right of reverter; the purpose of the conveyances are to enable the Town of Hampton to construct and operate a fire station within the District on Lot 31 and a portion of Lot 29 and to enable the District to operate Lot 28 as a District parking lot. This warrant article, if passed, shall become null and void in the event that the voters of the Town do not approve financing for the New Fire Station Project Hampton Beach Station (See www.hamptonfirerscue.com) at a special town

meeting in 2010. Further, if this warrant article passes and ground is not broken for construction by June 2, 2013, then this warrant article shall become null and void.

Moved by Kevin Sullivan, seconded by Commissioner Kubik, to approve Article I.

Chris Silver, Chief, Hampton Fire Department, gave an overview of the research done and why the Brown Avenue site was chosen as the best site for a new station. He said demolition of structures and allowances for parking are included in his proposal. Other possible sites were rejected because response time would not be adequate. The parking currently leased by the Royals for staff parking has been moved to the basketball court. Maximization of parking can be accomplished. There will be a total of 80 spaces, and possibly 5 more. The newly constructed fire station would also have space for Precinct meetings.

Ed McDonald, property owner, inquired about the potential for flooding. Chief Silver said provisions have been made in the plan to prevent any flooding problems.

Andrew Guthrie, resident, asked if consideration had been given to renovating the existing station. Chief Silver said this was considered and a new station would make more sense and provide better value to the taxpayers.

Mr. Christianson said he felt the area behind the police station could be used for a station. Chief Silver again said response time would not be adequate.

Amendment moved by John Gebhart, seconded by Mr. Scanlan, to add the following to the last sentence of Article I after the word “construction” :

“and flapper valves are installed at the storm drain outflow”

Dick Nichols, Chairman of the Board of Selectmen, said the Board of Selectmen has already approved funding for installing flapper valves.

Vote: Amendment passed by majority vote.

There was further discussion on the main article as amended.

Mr. Sullivan asked when the Precinct would see a fire station if this article does not pass. Chief Silver said he did not know.

Attorney Somers said they had not been aware that a small portion of Lot 32 would also be needed as part of a Town proposal. The Town has expected to take a portion

of lot 32. She said her recommendation is that if this Article is passed for it to be effective that lot should be included.

Amendment made by Commissioner Rage, seconded by Mr. Sullivan, to add the following to the first sentence of Article I following "Lot 29":

"and a portion of Lot 32 as shown on a plan entitled Schematic Site Plan dated April 29, 2010 and as presented on June 2, 2010 by Chief Silver with the plan to be submitted into the record". Also, wherever a "portion of Lot 29" is mentioned, it is to be followed by "and a portion of Lot 32".

Vote: Amendment passed by majority vote.

Discussion continued on the main article as amended.

Moved by Skip Windemiller, seconded by Mr. Griffin, to instruct the Precinct Commissioners to sign the Memorandum of Understanding from the Town.

Attorney Somers said this amendment was legally questionable because the Memorandum of Understanding had not been finalized and the Commissioners could not be instructed to sign it.

Mr. Windemiller withdrew his motion.

Moved by Mr. Guthrie, seconded by Katherine Keer, that the Town be required to pay in perpetuity the costs of marketing and entertainment as reflected in the Hampton Beach Village District budget in lieu of payment to the District for the cost of the lots.

Mr. Reniere said this amendment changed the purpose of the warrant article. Attorney Somers said it was not a legal amendment because it did change the purpose of the warrant article by calling for a form of payment. Mr. Guthrie objected, citing the Barrington case to support his position.

Moved by Mr. Sullivan, seconded by Mr. Griffin, to move the question.

Vote: Passed by majority vote.

Vote on Amendment: Amendment failed.

Mr. Reniere then read Article I as amended, as follows:

Article I

To see if the District will vote to convey to the Town Lot 31, a portion of Lot 29, and a portion of Lot 32 as shown on a plan entitled Schematic Site Plan dated April 29, 2010 and as presented on June 2, 2010 by Chief Silver, with the plan to be submitted into the record, all of which are owned by the District, and to accept from the Town the conveyance of Lot 28, such lot being owned by the Town, these conveyances are to be made under such terms and conditions as the Hampton Beach Village District Commissioners determine to be in the best interest of the District, including but not limited to the requirement that the conveyance of Lot 31 and a portion of Lot 29 and a portion of Lot 32 be conveyed subject to right of reverter; the purpose of the conveyances are to enable the Town of Hampton to construct and operate a fire station within the District on Lot 31 and a portion of Lot 29 and a portion of Lot 32 and to enable the District to operate Lot 28 as a District parking lot. This warrant article, if passed, shall become null and void in the event that the voters of the Town do not approve financing for the New Fire Station Project Hampton Beach Station (See www.hamptonfirerescue.com) at a special town meeting in 2010 or at the annual town meeting in 2011. Further, if this warrant article passes and ground is not broken for construction and flapper valves are not installed at the storm drain outflow by June 2, 2013, then this warrant article shall become null and void.

Mr. Reniere said there had been a request by five registered voters asking for a secret ballot on Article I as amended, as read.

The secret ballot was taken.

Vote: 59 yes, 32 no. Article I as amended passed.

Moved by Dick Paquin, seconded by Mr. Sullivan, to restrict reconsideration of Article I.

Vote: Passed by majority vote.

Mr. Reniere then read Article II.

Article II

To see if the District will vote to give the Town a new 50 year lease in the event that the Town does not vote to build a new fire station at the Precinct and would rather renovate the existing Beach Station on Lot 32.

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Amendment made by Commissioner White, seconded by Commissioner Kubik, to have Article II read as follows:

To see if the District will vote to authorize the Commissioners to lease the existing District Fire Station for a term not to exceed 50 years in the event the Town does not vote to build a new fire station at a location within the District and in the event that the Town votes to reconstruct the existing District Fire Station, subject to such terms and conditions which the Commissioners deem to be in the best interest of the Hampton Beach Village District and consistent with the goal of ensuring the continued availability of fire protection services from a location within the District.

Vote: 24 yes, 13 no. Amendment passed.

Mr. Reniere called for a vote on the main motion as amended.

Vote: Passed by majority vote.

Article III

To transact any other business that may legally come before this meeting.

There was no further business.

Commissioner Kubik thanked everyone for their attendance at this meeting.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Joan Rice
Secretary